

## REMARKS

In accordance with the foregoing, claims 38-40, 43-45, and 48-50 have been amended. Claims 1-11, 27-31, 36-41, 43-46, 48-51, and 53-55 are pending, with claims 1, 27, 38-41, 43-46, and 48-51 being independent. No new matter is presented in this Supplemental Amendment.

### Request for Consideration of Amendment of September 28, 2009

This Supplemental Amendment supplements the Amendment of September 28, 2009. It does not replace the Amendment of September 28, 2009. Accordingly, it is respectfully requested that the amendments and remarks in the Amendment of September 28, 2009, and the amendments and remarks in this Supplemental Amendment be considered.

### Request for Consideration of Information Disclosure Statement

An Information Disclosure Statement was filed on October 1, 2009, and it is respectfully requested that the Information Disclosure Statement be considered.

### Claim Rejections Under 35 USC 102

Claims 1-11, 27-31, and 36-52 have been rejected under 35 USC 102(b) as being anticipated by Shigenobu et al. (Shigenobu) (U.S. Patent No. 5,917,792), with the Examiner relying on the newly cited references to Senshu (U.S. Patent Application Publication No. 2003/0103429), Okamura et al. (Okamura) (U.S. Patent Application Publication No. 2003/0174625), and Kim et al. (Kim) (U.S. Patent Application Publication No. 2004/0168010) to support the rejection.

The rejection of claims 42, 47, and 52 is moot since claims 42, 47, and 52 were canceled in the Amendment of September 28, 2009.

The rejection of claims 1-11, 27-31, 36-41, 43-46, and 48-51 is respectfully traversed for at least the reasons discussed on pages 18-24 of the Amendment of September 28, 2009. The

rejection of claims 38-40, 43-45, and 48-50 is additionally traversed for at least the additional reasons discussed below.

Claims 38-40, 43-45, and 48-50

It is submitted that Shigenobu does not disclose or suggest the following underlined features now recited in independent claims 38-40, 43-45, and 48-50:

an additional data area comprising:  
a first additional data frame comprising first sync data; and  
a second additional data frame comprising second sync data; and  
a data area comprising a data frame comprising third sync data;  
wherein:  
.....  
the data area does not comprise any data frame comprising the first sync data; and  
the data area does not comprise any data frame comprising the second sync data.

FIG. 4 of Shigenobu shows a preamble area that the Examiner considers to correspond to the "additional data area" recited in claims 38-40, 43-45, and 48-50, and a data area (including 1st to 16th sectors) that the Examiner considers to correspond to the "data area" recited in claim 1. The preamble area (the "additional data area") includes 4 rows each including 2 frames, for a total of 8 frames. Each of the 8 frames of the preamble area (the "additional data area") includes one sync data selected from sync data SY1, SY2, SY3, and SY4. The data area (the "data area") includes 208 rows (16 sectors x 13 rows per sector) each including 2 frames, for a total of 416 frames. Each of the 416 frames of the data area includes one sync data selected from sync data SY0, SY1, SY2, SY3, SY4, SY5, SY6, and SY7.

Assuming *arguendo* that any one of the sync data SY1, SY2, SY3, and SY4 of the preamble area (the "additional data area") corresponds to the "first sync data" of the "additional data area" recited in claims 38-40, 43-45, and 48-50, it is submitted that Shigenobu does not disclose or suggest the feature "the data area does not comprise any data frame comprising the

first sync data" now recited in claims 38-40, 43-45, and 48-50 because various frames of the data area (the "data area") comprise the sync data SY1, SY2, SY3, and SY4. Thus, no matter which one of the sync data SY1, SY2, SY3, and SY4 of the preamble area (the "additional data area") is considered to correspond to the "first sync data" recited in claims 38-40, 43-45, and 48-50, various frames of the data area (the "data area") do comprise that one of the sync data SY1, SY2, SY3, and SY4.

Furthermore, assuming *arguendo* that any one of the sync data SY1, SY2, SY3, and SY4 of the preamble area (the "additional data area") corresponds to the "second sync data" of the "additional data area" recited in claims 38-40, 43-45, and 48-50, it is submitted that Shigenobu does not disclose or suggest the feature "the data area does not comprise any data frame comprising the second sync data" now recited in claims 38-40, 43-45, and 48-50 because various frames of the data area (the "data area") comprise the sync data SY1, SY2, SY3, and SY4. Thus, no matter which one of the sync data SY1, SY2, SY3, and SY4 of the preamble area (the "additional data area") is considered to correspond to the "second sync data" recited in claims 38-40, 43-45, and 48-50, various frames of the data area (the "data area") do comprise that one of the sync data SY1, SY2, SY3, and SY4.

#### Conclusion—Claim Rejections Under 35 USC 102

For at least the foregoing reasons and the reasons discussed on pages 18-24 of the Amendment of September 28, 2009, it is respectfully requested that the rejection of claims 1-11, 27-31, 36-41, 43-46, and 48-51 (i.e., claims 1, 27, 38-41, 43-46, and 47-51 discussed above and on pages 18-24 of the Amendment of September 28, 2009) and claims 2-11, 28-31, 36, and 37 depending directly or indirectly from claims 1 and 27) under 35 USC 102(b) as being anticipated by Shigenobu be withdrawn.

#### Patentability of Claims 53-55

It is submitted that new claims 53-55 added in the Amendment of September 28, 2009, are patentable over Shigenobu for at least the reasons discussed on pages 24 and 25 of the Amendment of September 28, 2009, and an indication to that effect is respectfully requested.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN MCEWEN, LLP

Date: 10/15/09

By:   
Randall S. Svihla  
Registration No. 56,273

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510